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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION  
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This Document Relates to: All Cases  
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BROOKLYN OFFICE  
Case No. 09-160 (ERK)(JO)

(Consolidated with CV 96-4849,  
CV 96-5161 and CV 97-461)

MEMORANDUM & ORDER

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**MEMORANDUM & ORDER APPROVING RE-DIVISION OF ADJUSTMENT  
AMOUNT FOR ADJUSTMENT TO AWARD *IN RE ACCOUNTS OF OTTO SIMON  
AND JOSEF SIMON* CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL  
PURSUANT TO ARTICLE 31(2) OF THE RULES GOVERNING THE CLAIMS  
RESOLUTION PROCESS**

KORMAN, Senior Judge:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, and my June 16, 2010 Memorandum and Order Approving Adjustment of Presumptive Values Used in the Claims Resolution Process and Authorizing Additional Payments for Deposited Assets Class Plausible Undocumented Awards, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of the re-division of the adjustment amount for the award *In re Accounts of Otto Simon and Josef Simon*, as listed in Annex A. The original adjustment was approved in Set 7 on September 7, 2010. The amended adjustment re-divides the previously approved adjustment amount. Therefore, no new funds are requested from the Settlement Fund.

In this case, the Claimant filed a claim to the accounts of Otto Simon and Josef Simon, whom she identified as her paternal grandfather and father, respectively. On 18 August 2004, this Court approved an award for the accounts of *Otto Simon and Josef Simon*

to the Claimant and the parties she represented (the “August 2004 Award”). The award amount was 351,750.00 Swiss Francs (“SF”). The August 2004 Award divided the total award amount as follows: one-third to the Claimant, one-sixth each to her cousins (the children of Otto’s daughter Hanna) Birgit Povlsen and Niels Povlsen, and one-third to Walter Simon (the son of Otto). The original adjustment was divided in the same proportion as the original award.

The re-division was prompted by a letter to the CRT from the Claimant and her brother dated 12 October 2010. In that letter, the Claimant and her brother correctly noted that the division of the August 2004 Award amount was in error. The division set forth in the August 2004 award should have applied only to the custody and demand deposit accounts belonging to Otto Simon. Pursuant to Article 23 of the Rules, one-half of the custody account belonging to Josef Simon should have been awarded to the Claimant’s mother, and the other half to the Claimant. Thus, if the August 2004 Award had been divided correctly, the division would have been as follows:

<b>Name of Party</b>	<b>Accounts of Otto Simon</b>	<b>Account of Josef Simon</b>	<b>Total Award Amount</b>
Claimant Elizabeth Juliana Neuwelt	63,083.34	81,250.00	144,333.34
Maria Dorothea Simon	0.00	81,250.00	81,250.00
Walter Simon	63,083.34	0.00	63,083.34
Brigit Povlsen	31,541.66	0.00	31,541.66
Niels Povlsen	31,541.66	0.00	31,541.66
<b>Total</b>	<b>189,250.00</b>	<b>162,500.00</b>	<b>351,750.00</b>

In their letter of 12 October 2010, the Claimant and her brother stated that they decided not to raise any objections to the August 2004 Award, as their uncle Walter was in poor health at the time and was in need of the funds, and that he has since passed away. They wrote that they have been informed of an additional payment to be made for the August 2004 Award, and request that this additional payment be distributed correctly.

Based upon the Claimant's letter of 12 October 2010, as well as the information in her claim forms, and pursuant to Article 23 of the Rules, the CRT seeks approval of the following corrected distribution of the Certified Adjustment amount.

Claimant	Account 5024740 (Josef)	Account 5033808 (Otto)	Account 5033810 (Otto)	Total Amount per Claimant (SF)	Total Amount per Claimant (US\$)*
Elizabeth Neuwelt	48,937.50 (1/2)	32,625.00 (1/3)	654.17 (1/3)	82,216.67	67,947.67
Walter Simon	0.00	32,625.00 (1/3)	654.17 (1/3)	33,279.17	27,503.46
Maria Simon	48,937.50 (1/2)	0.00	0.00	48,937.50	40,444.21
Niels Povlsen	0.00	16,312.50 (1/6)	327.08 (1/6)	16,639.58	13,751.71
Birgit Povlsen	0.00	16,312.50 (1/6)	327.08 (1/6)	16,639.58	13,751.71
<b>TOTALS</b>	97,875.00	97,875.00	1,962.50	197,712.50	163,398.76

\*US Dollar amounts are rounded to the nearest cent (per claimant).

Given that the CRT acknowledges that the original award amount was incorrectly divided, that the Claimant stated that she did not originally raise objections to that division because of familial concerns, but wished now that the adjustment amount be divided correctly pursuant to Article 23 of the Rules, it is hereby

ORDERED that the adjustment amount for the award *In re Accounts of Otto and Josef Simon* be re-divided to reflect the correct division as outlined in this Order;

ORDERED that the Claimant and the parties she represents are directed to complete new forms reflecting the amended division of the adjustment in order to receive payment.

Brooklyn, New York  
Dated: October 22, 2010

~~SO ORDERED:~~

s/Edward R. Korman

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Edward R. Korman  
United States District Judge